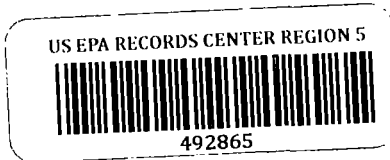


R. CRAIG HUPP
CHUPP@BODMANLLP.COM
313-393-7599



June 13, 2005

BODMAN LLP
34TH FLOOR
100 RENAISSANCE CENTER
DETROIT, MICHIGAN 48243
313-393-7579 FAX
313-259-7777

VIA FAX & CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Brian Kelly
On-Scene Coordinator
U. S. Environmental Protection Agency
Emergency Response Branch
Region 5
Mail Code SEGI
9311 Groh Road
Grosse Ile, Michigan 48138

Thomas Krueger, Esq.
Assistant Regional Counsel
U. S. Environmental Protection Agency
77 W. Jackson Boulevard, C-14J
Chicago, Illinois 60604-3590

Re: Unilateral Administrative Order Issued to CSX Transportation, Inc.
Regarding the N-Forcer Site in Dearborn, Michigan
Docket Number: [Not Decipherable]
Date: May 17, 2005
Received: May 18, 2005

Dear Messrs. Kelly and Krueger:

CSXT is moving ahead to submit a work plan and associated documents by June 17, the date by which we calculate those documents are due under the 106 Order. Depending on USEPA review time, the July 4 holiday and the need to mobilize to the site, we expect that soil removal can begin in the first half of July and will be promptly completed. CSXT remediation staff has initiated a request to engineering with regard to the removal of the switch and stub track into the site and with regard to reballasting Track 3, the track closest to the site, as needed. CSXT will not conduct a HEPA vacuuming or encapsulation on Track 3 because it does not believe either activity will be particularly productive in reducing any risk posed by trace amounts of Libby ore which may be entrained in the soils.

We continue to object strongly to any characterization of CSXT as uncooperative. Although your letter cites telephone calls which were unreturned, my review of correspondence conducted by mail and email indicates that responses to written contacts were very promptly made. In addition, although you may not have obtained verbal assurances in mid April as to CSXT's plans, your letter omits to mention that CSXT made a written commitment to receive in a letter to you on April 29, 2005, just a little over 2 weeks before USEPA issued its order.

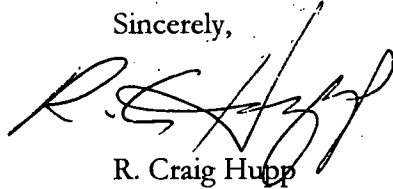
We also continue to disagree with USEPA's characterization of conditions in the CSXT right of way as posing any kind of imminent and substantial endangerment. Risk is a function of the presence of a hazardous substance and the nature of the

Mr. Brian Kelly
Thomad Krueger, Esq.
May 19, 2005
Page 2

exposure pathways. It is clear that there are very isolated occurrences of small pieces of Libby ore within the right of way and the sampling data are unequivocal that, taken as a whole, conditions in the right of way pose no health threat.

As indicated in my email of June 9, CSXT is reviewing the proposed AOC with a view of substituting that for the 106 Order. Jeff Styron, CSXT's in-house environmental counsel, is out this week, which will delay his response to my comments on the AOC and the submission of comments back to Mr. Krueger. However, as is clear from above, CSXT is proceeding in any case with activities under the 106 Order..

Sincerely,

A handwritten signature in black ink, appearing to read "R. Craig Hupp", is written over the typed name.

R. Craig Hupp

RCH/ttv

c: Mr. Paul Kurzanski
Jeffrey Styron, Esq.
Ms. Terri Rubis
Fredrick J. Dindoffer, Esq.